

*City of Las Vegas***AGENDA MEMO****PLANNING COMMISSION MEETING DATE: JANUARY 8, 2009****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SUP-32151 - APPLICANT: VERIZON WIRELESS - OWNER:
SUN CITY SUMMERLIN COMMUNITY ASSOCIATION, INC.**

**** CONDITIONS ******STAFF RECOMMENDATION: DENIAL.** If Approved, subject to:**Planning and Development**

1. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Wireless Communication Facility, Stealth Design use.
2. Approval of and conformance to the Conditions of Approval for Variance (VAR-32153) shall be required, if approved.
3. This approval shall be void two years from the date of final approval, unless a final inspection has been approved for the Wireless Communication Facility. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. The communications monopole and its associated equipment and facility shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the communications monopole and its associated equipment and facility.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

Public Works

6. The proposed wireless communications facility shall not be located within the public right-of-way or interfere with Site Visibility Restriction Zones. The proposed structure and ground mounted base shall not be located within existing or proposed public sewer or drainage easements.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a proposed 60-foot tall Wireless Communication Facility, Stealth Design (Monopalm) on the west side of Del Webb Boulevard, approximately 225 feet north of Lake Mead Boulevard. The proposed facility will initially accommodate one carrier and provide the opportunity to accommodate one additional carrier in the future. The initial carrier will provide 12 antennas at the 52-foot centerline of the proposed Monopalm and provide an enclosure with a six-foot wall designed to match the existing six-foot white stucco walls in the surrounding area. The enclosure will sit near the center of the subject parcel, which is an existing landscape area containing a grove of 14 date palms denoting the entrance to Sun City Summerlin.

The subject property has an existing 63-foot tall Wireless Communication Facility, Stealth Design (Monopalm) occupying the southern half of the site approximately 50 feet south of the proposed cell tower location. The existing Monopalm already contains two carries and is unable to allow for additional capacity. As the existing enclosure for the existing Monopalm occupies the southern half of the subject parcel, the applicant has placed the proposed Monopalm and enclosure near the center of the site.

The applicant has submitted a Variance (VAR-32153) to allow a 158-foot setback where Residential Adjacency Standards require 180 feet for a proposed Wireless Communication Facility, Stealth Design. As the subject parcel already contains a Wireless Communication Facility, Stealth Design and the placement of this proposed tower will intensify the visual impact on the existing single-family homes to the north, staff finds that the subject property is not suitable for the additional proposed use. There are several commercial parcels directly to the east and to the west which provide the opportunity to locate Wireless Communication Facilities without the need for a Variance; therefore, denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
07/22/05	The Planning and Development Department administratively approved a Site Development Plan Review (later classified as SDR-19801) to allow a proposed 63-foot Wireless Communication Facility, Stealth Design at Lake Mead Boulevard and Del Webb Boulevard.
04/12/07	The Planning and Development Department administratively approved a Site Development Plan Review (SDR-20011) to allow a proposed co-location of antennas on an existing 63-foot Wireless Communication Facility, Stealth Design at 9400 West Lake Mead Boulevard.

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02/14/08	The Planning and Development Department administratively denied a Site Development Plan Review (SDR-26335) to allow a proposed 70-foot Wireless Communication Facility, Stealth Design at 9610 Del Webb Boulevard.
10/23/08	The Planning and Development Department administratively denied a Site Development Plan Review (SDR-29701) for a 60-foot Wireless Communication Facility, Stealth Design on 0.17 acres on the west side of Del Webb Boulevard, approximately 225 feet north of Lake Mead Boulevard
<i>Related Building Permits/Business Licenses</i>	
07/22/05	A building permit (#05005028) was issued for the installation of a 63-foot tall Monopalm with antennas at 9610 Del Webb Boulevard. The permit received final approval on 01/20/06.
08/10/05	A building permit (#48692) was issued for a block wall enclosure at 9610 Del Webb Boulevard. The permit received final approval on 01/26/06.
<i>Pre-Application Meeting</i>	
11/18/08	A pre-application meeting was held with the applicant where the requirements for submitting a Special Use Permit and a Variance were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not held, nor was one required.	
<i>Field Check</i>	
12/04/08	A field check was performed by staff at the subject property. The subject property was noted as a landscaped common area lined with mature Date Palms, shrubbery, ground cover and a low wall acting as a buffer between an existing shopping center to the west and Del Webb Boulevard to the east. An existing Wireless Communication Facility, Stealth Design (Monopalm) was noted within the southern area of the buffer, which blended very well with the existing Date Palms. The proposed Wireless Communication Facility, Stealth Design will encompass a new Monopalm tower and enclosure, to be located to the north of the existing tower.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	0.17

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Common Space, Wireless Communication Facility, Stealth Design	SC (Service Commercial)	P-C (Planned Community)
North	Single-Family Residential	ML (Medium Low Density Residential)	P-C (Planned Community)
South	Shopping Center	SC (Service Commercial)	P-C (Planned Community)
East	Office, Retail	SC (Service Commercial)	P-C (Planned Community)
West	Shopping Center	SC (Service Commercial)	P-C (Planned Community)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Sun City Summerlin	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Review the following from Title 19.08.060

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	180 Feet	158 Feet	N*
Maximum tower height permitted by 3:1 proximity slope	52.5 Feet	60 Feet	N*

* The applicant has submitted a Variance (VAR-32153) to allow a 158-foot setback where Residential Adjacency Standards require 180 feet for a proposed Wireless Communication Facility, Stealth Design.

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ANALYSIS

- **Use**

The applicant is proposing a 60-foot, Wireless Communication Facility, Stealth Design (Monopalm) within an existing landscaped open space/common area on the west side of Del Webb Boulevard, approximately 225 feet north of Lake Mead Boulevard. A total of 12 antennas will be mounted at the 52-foot centerline of the proposed Monopalm, with the tower offering co-location ability for an additional carrier.

The proposed Wireless Communication Facility, Stealth Design (Monopalm) will sit approximately 50 feet north of an existing Wireless Communication Facility, Stealth Design (Monopalm) on the same parcel within a separate, proposed enclosure with a six-foot wall designed to match the existing six-foot white stucco walls in the surrounding area. The enclosure will sit near the center of the subject parcel, which is an existing landscape area containing a grove of 14 date palms, shrubbery, ground cover and a six-foot high stucco wall denoting the entrance to Sun City Summerlin. The enclosure will house an equipment shelter, which the applicant has indicated will be painted and textured to match the existing surroundings.

The site plan indicates that the existing plant material that will be displaced by the proposed Wireless Communication Facility and enclosure will be relocated or replaced in the immediate area. Access to the site will be gained via a proposed 15-foot wide access easement along the north side of the proposed enclosure. The enclosure will contain two wrought iron metal entry gates on the north and west sides of the walled area. The subject parcel currently contains landscaping and an existing Wireless Communication Facility, Stealth Design and no parking spaces from nearby development will be removed.

Additionally, the applicant has submitted plans which have been stamped approved by the Sun City Summerlin Community Association Architectural Review Committee along with an approval letter. Staff finds that the subject property is not suitable for the additional proposed use as it already contains a Wireless Communication Facility, Stealth Design use and the addition of this tower will intensify the visual impact on the existing single-family homes to the north. There are several commercial parcels directly to the east and to the west which provide the opportunity to locate Wireless Communication Facilities without the need for a Variance; therefore, denial of this request is recommended.

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- **Conditional Use Regulations:**

1. The applicant must submit to the Department, for administrative review and approval, a site plan and an elevation drawing. The Director shall review the document to determine if the proposed facility conforms to the conditions listed below for this use. If the Director, in his/her discretion:
 - a. Approves the proposed facility to proceed as a conditional use, the Director shall provide written notice of approval to the applicant, with a copy to the office of the City Council. Within 10 days after the notice is mailed or delivered, the applicant may proceed to apply for building permits, unless a member of the City Council files with the Director a written request for the Council to review is filed, the application must first be reviewed and approved by the Council.
 - b. Determines that the proposed facility does not conform to the conditions listed below, a Special Use permit will be required for the use. Any determination by the Director that a Special Use Permit will be required is not subject to appeal.
2. No residential use may exist on the property
3. The design must conform to the definition of the term "Wireless Communication Facility, Stealth Design," as set forth in section 19.20.020 and as determined by the Director.
4. Within an area designated as a Historic Preservation District, the proposed facility must first be reviewed by the Historic Preservation Commission before the Director considers granting approval as a conditional use.
5. The design and location of the proposed facility must be deemed by the Director to be compatible with surrounding uses, and the facility must include appropriate screening and landscaping to ensure such compatibility.
6. The frequencies used by the communication provider shall be in conformance with Federal Communication Commission standards, as certified by a competent professional (such as a radio frequency engineer).

The proposed Wireless Communication Facility fails to meet condition number 5, as it is not compatible with the existing 63-foot Wireless Communication Facility, Stealth Design (Monopalm) on the subject property, and requires a Variance to allow the tower to be placed 158 feet from the single-family homes to the north.

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- **Site Plan and Residential Adjacency**

The proposed Wireless Communication Facility will be located near the center of the subject property approximately 50 feet north of an existing Wireless Communication Facility, Stealth Design (Monopalm) on the same parcel within a separate, proposed enclosure with a six-foot wall designed to match the existing six-foot white stucco walls in the surrounding area. The enclosure will measure 22 feet by 45 feet and will house all electrical equipment associated with the proposed Wireless Communication Facility within a shelter measuring 11.5 feet by 26 feet.

Directly abutting the proposed location to the east is a retail and office development and to the north are single-family residential homes. To the west is an existing retail and office development and to the south is an additional landscape area. The proposed communication facility will be approximately 158 feet from the protected property to the north, which does not meet the minimum Residential Adjacency Setback requirements of 180 feet. The applicant has submitted a Variance (VAR-32153) to allow a 158-foot setback where Residential Adjacency Standards require 180 feet for a proposed Wireless Communication Facility, Stealth Design. In order to comply with the Residential Adjacency Standards, the proposed tower would need to be at a height of 52.5 feet. Staff finds that the proposed location of the Wireless Communication Facility, Stealth Design (Monopalm) is not compatible with the existing Wireless Communication Facility, Stealth Design (Monopalm) and the single-family residential homes to the north. The proposed use is not harmonious as it intensifies the visual impact upon the residences to the north and there are several commercial parcels directly to the east and to the west which provide the opportunity to locate Wireless Communication Facilities without the need for a Variance or a Special Use Permit; therefore, denial of this request is recommended.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Wireless Communication Facility is not compatible with existing surrounding land uses planned for a parcel that already contains a 63-foot Wireless Communication Facility, Stealth Design (Monopalm) and is within 158 feet of single-family residences, therefore increasing the visual impact.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

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The subject site is not physically suitable for the type and intensity of land use proposed as the addition of a Wireless Communication Facility on a parcel that already contains a Monopalm and fails to meet the minimum Residential Adjacency setback requirements indicates the site will be overbuilt. An alternate location in the surrounding commercial area, which does not necessitate a Variance or a Special Use Permit would be suitable for the proposed use.

- 3. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

There is little expected traffic related with a Wireless Communication Facility at the subject site. Del Webb Boulevard, an 80-foot Collector as designated by the Master Plan of Streets and Highways will provide adequate access to the subject property.

- 4. “Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The approval of this proposal will not be inconsistent with the overall objectives of the General Plan. Staff does note that a 60-foot Wireless Communication Facility will have an impact on the nearby single-family residential properties to the north, as the facility will be visible from these properties.

- 5. The use meets all of the applicable conditions per Title 19.04.**

The proposed Monopalm meets the minimum requirements for a Wireless Communication Facility, Stealth Design with the exception of Condition #5. The subject location has been determined to not be compatible with this use, as the site already contains a Wireless Communication Facility and the proposed tower will be situated within 158 feet of existing single-family residential properties to the north.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

5

ASSEMBLY DISTRICT

4

SENATE DISTRICT

6

NOTICES MAILED

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APPROVALS 0

PROTESTS 0